

## **REMARKS**

### **Formal Matters**

This mailing is in response to the Notice of Non-Compliant Amendment mailed February 10, 2006, and is essentially a resubmission of the amendment filed January 30, 2006, but in which claims 42-55, 57-61, and 63-81 have now been provided with the proper identifier. In particular, the identifiers of the above-mentioned claims have now been corrected to read "Previously presented" instead of "New".

Claims 1-23, 25, 28-55 and 57-81 remain in this application. Claims 26 and 27 were previously canceled, and Claims 24 and 56 are presently canceled. Claims 1-23 and 29-38 have been withdrawn as the result of an earlier restriction requirement, but are pending a possible reconsideration by the Examiner for rejoinder with the non-withdrawn Claims 24-25 and 28. Claims 39-41 and 62 are amended and Claims 24 and 56 are canceled. No new matter is added by the amendments.

In view of the Examiner's earlier restriction requirement, applicants retain the right to present withdrawn and/or unclaimed subject matter in subsequent prosecution.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 39-41 and 56 are rejected under 35 U.S.C. § 112, second paragraph because, allegedly, for failing to comply with the written description requirement.

In response, Applicants respectfully submit that the claim amendments render the rejection moot.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 39-41 and 62 are rejected under 35 U.S.C. § 112, second paragraph allegedly for being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In response, Applicants respectfully submit that the claims amendments render the rejection moot.

Rejection Under 35 U.S.C. § 101.

Claims 24-25, 46-49, 52-55, 57-60, 73, 77 and 81 are rejected under 35 U.S.C. § 101 allegedly for claiming the same invention as that of claims 1-16 of U.S.P. 5,821,333.

Applicants traverse this rejection because the claimed subject matter of claims 1-6 of U.S.P. 5,821,133 and the claims of the pending application is not identical.

Claim 1 of the above patent specifies that a protuberance of the first polypeptide is positionable in a cavity of the second polypeptide, while the present claims state that the protuberance and/or cavity can be in either or both of the first or second polypeptides.

**SUMMARY**

In response to the Notice of Non-Compliant Amendment mailed February 10, 2006, Claims 42-55, 57-61, and 63-81 have now been provided with the proper identifier. In particular, the identifiers of the above-mentioned claims have now been corrected to read "Previously presented" instead of "New".

Claims 1-23, 25, 28-55 and 57-81 are pending in the application. Claims 24 and 56 are canceled without prejudice to later prosecution.


If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
GENENTECH, INC.

Date: **February 21, 2006**

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